



Paper No. 5

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**APR 18 2002**

**OFFICE OF PETITIONS**

In re Application of  
Setterstrom, et al.  
Application No. 09/618,577  
Filed: July 18, 2000  
Attorney Docket No. Army 145

DECISION ON PETITION  
AND ACCORDING RULE  
47 STATUS

This is a decision on the petition filed January 24, 2002  
(Certificate of Mailing dated December 18, 2001), pursuant to 37  
CFR 1.137(b), to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to  
timely reply to the Notice to File Missing Parts of  
Nonprovisional Application, mailed September 29, 2000. This  
Notice set a period for reply of two (2) months from the mail  
date of the Notice to submit an executed oath or declaration for  
inventors Tice, Roberts, and Friden. No extensions of time under  
the provisions of 37 CFR 1.136(a) were obtained. Accordingly,  
the above-identified application became abandoned on November 30,  
2000. The instant petition precedes the mailing of a Notice of  
Abandonment.

With the instant petition, petitioner has submitted a  
declaration, paid the \$130 surcharge for its late filing, and met  
all other requirements for a grantable petition under 37 CFR  
1.137(b). The declaration was executed by inventors Roberts and  
Friden. A declaration was not submitted for Tice. However, in  
an earlier petition under 37 CFR 1.47(a) filed in parent  
application no. 08/789,734, petitioner was successful in showing  
that Tice refused to join the parent application.

Accordingly, the petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified divisional application is hereby accorded  
Rule 1.47(a) status. However, notice of the Rule 1.47(a) status  
will not be repeated to nonsigning inventor Tice, nor will an  
announcement be published in the Official Gazette.

The petition fee of \$1,280, the \$130 surcharge for late filing of  
the declaration, and the \$130 fee for the petition under 37 CFR  
1.47(a) have been charged to Deposit Account No. 21-0380, as  
authorized.

<sup>1</sup> The petition was granted in a decision mailed on October 26, 2000. A  
copy of the decision was submitted with the instant petition.

<sup>2</sup> See MPEP 201.06(c) at 200-38.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to this decision should be directed to the Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly Flanagan  
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